

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

Amend Sections 1.71, 2.10 and
Subsections (b)(5), (b)(68), (b)(156) and (b)(212) of Section 7.50
Add New Sections 1.60, 1.61 and 1.93
Title 14, California Code of Regulations
Re: Fishing Methods Restrictions

I. Date of Initial Statement of Reasons: September 28, 2005

II. Dates and Locations of Scheduled Hearings:

(a)	Notice Hearing:	Date:	September 30, 2005
		Location:	Susanville, CA

(b)	Discussion Hearing	Date:	November 4, 2005
		Location:	Santa Barbara, CA

(c)	Adoption Hearing	Date:	December 9, 2005
			Concord, CA

III. Description of Regulatory Action:

(a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

Current regulations define the term “hook gap”, and restrict hook gap sizes that anglers may use in rivers and streams within the state, except the Colorado River. For single hooks, the maximum hook gap is one inch, and for multiple-point hooks the maximum gap is 3/4 inch. Current regulations for all rivers and streams also prohibit the use of multiple hooks or more than one single hook on non-buoyant lures exceeding one ounce in weight.

In December 2004, the Commission adopted changes to angling regulations in Section 2.10, Title 14, California Code of Regulations (CCR) that identified hook and weight restrictions in rivers and streams, and the Sacramento-San Joaquin Delta. One of the primary objectives of the amendments was the elimination of some of the more blatant snagging gear used in salmon and steelhead freshwater fisheries. Also, in the interest of simplifying angling regulations, the same hook gap sizes were applied to all rivers and streams statewide. Although many members of the public supported the proposed changes, some indicated

that other improvements might be needed to further reduce the likelihood of illegal hooking (snagging) of Sacramento River system salmon. Because of some of the public comments, the Commission directed the Department to attempt to engage a broader element of the public than previously used to determine if additional restrictions were warranted to reduce perceived salmon and steelhead snagging problems.

During August and September 2005, the Department held three public meetings located in Sacramento, Redding and Concord. The purpose of the meetings was to gather comments and recommendations from interested members of the public regarding gear restrictions related to salmon and steelhead angling in freshwater, especially within the Sacramento River system.

Significant portions of the discussions were centered on various techniques used to illegally hook or snag salmon and steelhead. The angling technique commonly referred to as vertical jigging has become more popular during the past several years and many believe it is being abused by a growing number of anglers. Jigging is a legitimate angling technique where a relatively heavy lure (one to three ounces) is worked up and down in the water column to attract fish. The abusers of this technique raise the lure up through the water with a great deal of force and speed in an attempt to snag an unsuspecting fish. It is illegal to snag fish. The definition of angling is "to take a fish by hook and line . . . in such a manner that the fish voluntarily takes the bait or lure in its mouth." The abusers of the jigging technique attempt to hook the fish anywhere on its body. This snagging technique is particularly effective when large numbers of fish are present. Regulations adopted in 2004 reduced the weight allowed with multiple hooks to one ounce. While this weight restriction appeared to reduce some of the snagging, the problem still exists to some degree.

Many of those attending the August and September public meetings felt that the current allowable maximum hook sizes contribute to the illegal salmon and steelhead snagging problems. The majority of participants seemed to agree that reducing the maximum hook-gap size would reduce the incidence of snagging. The notion is that it is more difficult to land a snagged fish with a smaller hook. Although data were not available to support a particular hook size, many of the experienced anglers and guides agreed that a 3/4-inch single hook and a 5/8-inch multiple-point hook were reasonable maximum sizes. While these hook-gap sizes could potentially reduce salmon and steelhead snagging, it was concluded that they would not greatly affect the traditional gear used in other fisheries, especially those of striped bass and sturgeon.

Another angling technique that many anglers believe is unethical and illegal is the use of relatively long leaders. The technique commonly referred to as "lining" or "beading" consists of letting a leader six to 15 feet long drift over the fish with the intent of hooking a fish near the mouth as the leader slides across the fish.

In many cases the leader slides through the fish's mouth and becomes hooked involuntarily near the mouth or head, or some other part of the body. Many anglers contend that this technique is a subtle snagging technique. The majority of participants at the public meetings agreed that a maximum leader length of 48 inches would likely eliminate or greatly reduce the abuse of the lining or beading technique.

Based on an analysis of the comments expressed at the three August-September public meetings, the Department is proposing three alternatives for proposed regulation changes:

Alternative No. 1 (preferred alternative)

1. In all rivers and streams statewide (except the Sacramento-San Joaquin River Delta and the Colorado River), reduce the maximum hook gap for single hooks from one inch to 3/4 inch, and for multiple-point hooks, reduce the maximum gap from 3/4 inch to 5/8 inch.
2. In all rivers and streams statewide (except the Sacramento-San Joaquin River Delta and the Colorado River), limit the maximum leader length between any hook and any weight to 48 inches.
3. Add definitions for "lure", "non-buoyant lure" and "weight".
4. Include clarifying terms to the definition of the Sacramento-San Joaquin River Delta.

Alternative No. 2

1. In all rivers and streams statewide (except the Sacramento-San Joaquin River Delta and the Colorado River), reduce the maximum hook gap for single hooks from one inch to 3/4 inch, and for multiple-point hooks, reduce the maximum gap from 3/4 inch to 5/8 inch.
2. Prohibit the use of multiple-point hooks or more than one single hook on non-buoyant lures in rivers and streams statewide (except the Sacramento-San Joaquin River Delta and the Colorado River).
3. Limit the maximum leader length between any hook and any weight to 48 inches in rivers and streams statewide (except the Sacramento-San Joaquin River Delta and the Colorado River).
4. Add definitions for "lure", "non-buoyant lure" and "weight".
5. Include clarifying terms to the definition of the Sacramento-San Joaquin River Delta.

This alternative differs from Alternative No. 1 by prohibiting the use of multiple hooks or more than one single hook on non-buoyant lures in rivers and streams statewide, except the Sacramento-San Joaquin River Delta and the Colorado River.

Alternative No. 3

1. In all rivers and streams statewide (except the Sacramento-San Joaquin River Delta and the Colorado River), reduce the maximum hook gap for single hooks from one inch to 3/4 inch, and for multiple-point hooks, reduce the maximum gap from 3/4 inch to 5/8 inch.
2. Prohibit the use of multiple hooks on non-buoyant lures in the main stem Sacramento River from the Business 80 Pioneer Bridge upstream to the Deschutes Road bridge (near Redding), in the American River downstream of Nimbus Dam to the mouth, in the Feather River downstream of the Table Mountain bicycle bridge in Oroville to the mouth, and in the Yuba River downstream of Daguerre Point Dam to the mouth.
3. Limit the maximum leader length between any hook and any weight to 48 inches in rivers and streams statewide (except the Sacramento-San Joaquin River Delta and the Colorado River and the Colorado River).
4. Add definitions for "lure", "non-buoyant lure" and "weight".
5. Include clarifying terms to the definition of the Sacramento-San Joaquin River Delta.

Alternative No. 3 differs from Alternatives 1 and 2 by prohibiting the use of multiple hooks on non-buoyant lures in a specific reach of the Sacramento River and the anadromous portions of the American, Feather and Yuba rivers.

The Department's preferred alternative is Alternative No. 1. The other alternatives unnecessarily restrict the use of traditional lures in an attempt to reduce snagging and foul hooking. Restricting the use of gear used in more blatant snagging practices can reduce some snagging problems, however, restricting gear that is commonly used by a broad spectrum of anglers in a variety of different fisheries is too extreme and penalizes the majority of legitimate anglers for the actions of a minority that break the law. Restricting the use of multiple-point hooks on non-buoyant lures is a recommendation stemming from public meetings with the intention of reducing the incidence of snagging salmon and steelhead. Previous regulation changes have reduced lure weights, and Alternative No. 1 further reduces the size of hooks and the length of leaders allowed in rivers and streams with the objective of reducing the likelihood of foul hooking salmon and steelhead in freshwater. Because the salmon and steelhead resources in the Sacramento, American, Feather and Yuba rivers are not being over harvested under current regulations, the Department believes additional restrictions that eliminate the use of multiple-point hooks are not warranted. Prohibiting the use of multiple-point hooks on non-buoyant lures would have adverse effects on other fisheries and fishing supply businesses because the restriction would eliminate many traditional fishing lures that have been used legally for decades.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 205, 210, 215 and 220, Fish and Game Code.

Reference: Sections 200, 202, 205, 206, 209, 210, 215 and 220, Fish and Game Code.

- (c) Specific Technology or Equipment Required by Regulatory Change: None
- (d) Identification of Reports or Documents Supporting Regulation Change: None
- (e) Public Discussions of Proposed Regulations Prior to Notice publication:

Public Meetings/Workshops:

Date: August 10, 2005

Location: Sacramento, CA

Date: August 15, 2005

Location: Redding, CA

Date: September 6, 2005

Location: Concord, CA

IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change: Three options have been provided for consideration. No other alternatives were identified.
- (b) No Change Alternative: The changes are necessary to clarify the regulations and protect fishery resources.
- (c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Actions:

The proposed regulatory actions will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Actions:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulation clarifies existing regulations, and adds additional fishing gear restrictions to protect salmon and steelhead. These regulation changes are unlikely to have negative impacts on businesses.

Alternatives 2 and 3 would potentially adversely affect some fisheries by eliminating the use of traditional gear. Both of these alternatives are also likely to adversely affect fishing supply businesses by reducing the demand for some types of traditional fishing gear. These impacts are not expected to be significant

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

- (e) Nondiscretionary Costs/Savings to Local Agencies: None

- (f) Programs mandated on Local Agencies or School Districts: None

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None

(h) Effect on Housing Costs: None.

Informative Digest/Policy Statement Overview

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Based on an analysis of the comments expressed at the three August-September public meetings, the Department is proposing three alternatives for proposed regulation changes:

Alternative No. 1 (preferred alternative)

1. In all rivers and streams statewide (except the Sacramento-San Joaquin River Delta and the Colorado River), reduce the maximum hook gap for single hooks from one inch to 3/4 inch, and for multiple-point hooks, reduce the maximum gap from 3/4 inch to 5/8 inch.
2. In all rivers and streams statewide (except the Sacramento-San Joaquin River Delta and the Colorado River), limit the maximum leader length between any hook and any weight to 48 inches.
3. Add definitions for “lure”, “non-buoyant lure” and “weight”.
4. Include clarifying terms to the definition of the Sacramento-San Joaquin River Delta.

Alternative No. 2

Same as Alternative No. 1 except this alternative includes a prohibition on the use of multiple-point hooks or more than one single hook on non-buoyant lures in rivers and streams statewide, except in the Sacramento-San Joaquin River Delta and the Colorado River.

1. In all rivers and streams statewide (except the Sacramento-San Joaquin River Delta and the Colorado River), reduce the maximum hook gap for single hooks from one inch to 3/4 inch, and for multiple-point hooks, reduce the maximum gap from 3/4 inch to 5/8 inch.
2. Prohibit the use of multiple-point hooks or more than one single hook on non-buoyant lures in rivers and streams statewide (except the Sacramento-San Joaquin River Delta and the Colorado River).
3. Limit the maximum leader length between any hook and any weight to 48 inches in rivers and streams statewide (except the Sacramento-San Joaquin River Delta and the Colorado River).
4. Add definitions for “lure”, “non-buoyant lure” and “weight”.
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Alternative No. 3

Alternative No. 3 differs from Alternatives 1 and 2 by prohibiting the use of multiple-point hooks on non-buoyant lures in a specific reach of the Sacramento River and the anadromous portions of the American, Feather and Yuba rivers.

1. In all rivers and streams statewide (except the Sacramento-San Joaquin River Delta and the Colorado River), reduce the maximum hook gap for single hooks from one inch to 3/4 inch, and for multiple-point hooks, reduce the maximum gap from 3/4 inch to 5/8 inch.
2. Prohibit the use of multiple-point hooks on non-buoyant lures in the main stem Sacramento River from the Business 80 Pioneer Bridge upstream to the Deschutes Road bridge (near Redding), in the American River downstream of Nimbus Dam to the mouth, in the Feather River downstream of the Table Mountain bicycle bridge in Oroville to the mouth, and in the Yuba River downstream of Daguerre Point Dam to the mouth.
3. Limit the maximum leader length between any hook and any weight to 48 inches in rivers and streams statewide (except the Sacramento-San Joaquin River Delta and the Colorado River).
4. Add definitions for "lure", "non-buoyant lure" and "weight".
5. Include clarifying terms to the definition of the Sacramento-San Joaquin River Delta.

The Department's preferred alternative is Alternative No. 1. Restricting the use of multiple-point hooks on non-buoyant lures is a recommendation stemming from public meetings with the intention of reducing the incidence of snagging salmon and steelhead. Previous regulation changes have reduced lure weights, and Alternative No. 1 further reduces the size of hooks and the length of leaders allowed in rivers and streams (not including the Sacramento-San Joaquin River Delta and the Colorado River). Because the salmon resources in the Sacramento, American, Feather and Yuba rivers are not being over harvested under current regulations, the Department believes additional restrictions are not warranted. Prohibiting the use of multiple-point hooks on non-buoyant lures would have adverse effects on other fisheries and fishing supply businesses because the restriction would eliminate many traditional fishing lures that have been used legally for decades.

Editorial changes are also proposed to improve the clarity and consistency of the regulations.

